

FILED

Oct 04 2024

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:24-mj-71474 MAG
Plaintiff,)	
v.)	NOTICE OF PROCEEDINGS ON OUT-OF-
)	DISTRICT CRIMINAL CHARGES PURSUANT TO
DANIEL NGUYEN,)	RULES 5(c)(2) AND (3) OF THE FEDERAL
Defendant.)	RULES OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal Procedure that on October 3, 2024, the above-named defendant was arrested pursuant to an arrest warrant (copy attached) issued upon a

- ☐ Indictment
☐ Information
☒ Criminal Complaint
☐ Other (describe)

pending in the District of Massachusetts, Case Number 24-MJ-4407-DHH.

In that case (copy of criminal complaint and affidavit attached), the defendant is alleged to have transmitted threats in interstate commerce, a violation of 18 U.S.C. § 875(c).

1 The maximum penalties are as follows:

2 Maximum prison term: 5 years

3 Maximum term of supervised release: 3 years

4 Maximum fine: \$250,000

5 Mandatory special assessment: \$100

6
7 Respectfully Submitted,

8 ISMAIL J. RAMSEY
9 UNITED STATES ATTORNEY

10 Date: October 3, 2024

/s/ Leif Dautch
11 LEIF DAUTCH
12 Assistant United States Attorney
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UNITED STATES DISTRICT COURT

for the
District of Massachusetts

United States of America

v.

Daniel Nguyen

Case No. 24-mj-4407-DHH

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Daniel Nguyen,
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 875(c) - transmitting threats in interstate commerce

Date: 09/30/2024

Worcester

City and state: ~~Boston~~, MA



Hon. David H. Hennessey, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America

v.

Daniel Nguyen

Case No.

24-mj-4407-DHH

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Jan. 12, 13, and Feb. 15, 2024 in the county of Middlesex in the
District of Massachusetts, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 875(c)

Transmitting threats in interstate commerce

This criminal complaint is based on these facts:

Please see attached Affidavit of Special Agent Casey Biagiotti, incorporated herein.

☒ Continued on the attached sheet.

Casey Biagiotti

Complainant's signature

Special Agent Casey Biagiotti

Printed name and title

By telephone in accordance with Fed. R. Crim. P. 4.1.

Sworn to before me and signed in my presence.

Date: 09/30/2024

City and state: Worcester
Boston, Massachusetts

David H. Hennessy

Judge

Hon. David H. Hennessy, U.S. Magistrate Judge

Printed name and title



**AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT AND
ARREST WARRANT**

I, Casey Biagiotti, being duly sworn, state as follows:

Introduction and Agent Background

1. I am a Special Agent (“SA”) of the Federal Bureau of Investigation (“FBI”) and I have been employed as a Special Agent since January 2021. I am currently assigned to the Violent Crimes Task Force (“VCTF”) of the Boston Division of the FBI. As an FBI SA, I am responsible for the investigation of federal criminal offenses and have participated in various investigations of violent crimes and domestic terrorism. More specifically, these investigations have included armed robbery, murder-for-hire, assault on a federal officer, wanted fugitives, firearms violations, and cyberstalking. I have conducted numerous investigative activities to include executing search and arrest warrants, interviews of victims, witnesses, and suspects, issuing and reviewing the returns of subpoenas, and conducting physical and electronic surveillance. I have also received specialized training regarding investigative techniques and evidence collection and preservation.

2. I am currently investigating Daniel NGUYEN (DOB: xx/xx/1990) for transmitting threats in interstate commerce, in violation of 18 U.S.C. § 875(c) (the “TARGET OFFENSES”).

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging NGUYEN with the Target Offenses.

4. The facts set forth in this affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; my review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience and the training and experience of other agents who have worked on cyberstalking and threats investigations for years.

This affidavit is being submitted for the limited purpose of establishing probable cause to believe that NGUYEN committed the Target Offenses. Therefore, I have not included all facts known to me concerning this investigation.

STATEMENT OF PROBABLE CAUSE

Company 1

6. On January 13, 2024, an employee of Company 1¹ reported to the Somerville Police Department (“SPD”) that an unidentified caller had left three separate voicemails from January 12, 2024 through January 13, 2024, in which the caller threatened to conduct a shooting at Company 1’s offices, and further claimed to be in possession of both an AK-47 and a Glock handgun with a silencer.

7. On January 12, 2024, at approximately 7:55 UTC² (2:55 AM EST), Company 1 received a voicemail on Company 1’s business phone number, (###) ###-9300.³ In the voicemail, the caller stated, “hey, you fucking assholes are dead...you hear me. You fucking cheated me, you screwed me out of money over here. I’ve got an AK-...I have an AK-47, you know, with a drum magazine and I’ve got a Glock with two silencers. I’m going to walk into [Company 1]...watch me, watch, I’m going to walk into [Company 1], I’m going to shoot up the whole fucking place with an AK-47. I’m going to shoot up the whole fucking [Company 1] office with an AK-47. And I’ve got a fucking Glock. I’m gonna shoot up the whole [Company 1] office with a Glock. You’re all going to be fucking dead. It’s going to be a fucking bloodbath. You hear me? I’ve got a fucking

¹The identity of the company is known to investigators but is being withheld to protect the privacy of the company and its employees.

² UTC is Coordinated Universal Time. All records pertaining to this investigation are in UTC, therefore Investigators have documented all times to reflect UTC. Eastern Standard Time (EST) is the time zone the Companies are in, and is approximately five hours behind UTC.

³ Company 1’s full business phone number is known to investigators but is redacted to protect the privacy of the company and its employees.

AK-47. I'm gonna shoot up the whole [Company 1] office. And you're all going to be fucking dead." The caller was listed as "anonymous."

8. On January 13, 2024, at approximately 15:51 UTC (10:51 AM EST), Company 1 received another voicemail on Company 1's business phone number. In the voicemail, the caller stated, "And watch, you guys fucked me over. You watch. One day I'm gonna walk up in there. I'm gonna come there next week with an AK-47 and a handgun. I'm gonna shoot up the whole fucking facility. I'm gonna walk up in there with an AK-47, I'm gonna shoot up the whole fucking building, every [Company 1] employee is gonna be dead. It's going to be a bloodbath...I'm going to have an AK-47 loaded, I'm going to shoot up the whole fucking place." The caller was listed as "anonymous."

9. Later on January 13, 2024, at approximately 19:10 UTC (2:10 PM EST), Company 1 received another voicemail on Company 1's business phone number. In the voicemail, the caller stated, "hey, I got an AK-47 and I got a Glock with a silencer, I'm gonna walk into [Company 1] next week, I'm gonna shoot up the whole fucking office. You hear me? Every [Company 1] employee is gonna get shot dead. You fucking watch and you see." The caller was listed as "anonymous."

10. I spoke to the employee from Company 1 who reported the threats. The employee expressed fear and concern for their life, as well as the lives of the other Company 1 employees. As a result of these voicemails, the building was evacuated and security was increased on company grounds.

11. On February 15, 2024, at approximately 16:39 UTC (11:39 AM EST), Company 1 received a fourth voicemail on Company 1's business phone number. In the voicemail, the caller stated, "I have an AK-47 in my possession and I'm gonna go over to Company 1 and shoot up the whole fucking office. I've got an AK-47 in my hand." The caller was listed as "anonymous."

Company 2

12. On January 12, 2024, at approximately 7:49 UTC (2:49 AM EST), Company 2⁴ received a voicemail on Company 2's business phone number, (###) ###-8775.⁵ In the voicemail, the caller stated, "I fucking hate your company. I'm an investor and you fucking screwed me out of money. I have an AK-47 and I have a Glock. I'm gonna go in there and I'm going to shoot up the whole fucking office. I'm gonna shoot you all dead. I've got a fucking AK-47 and I've got a Glock with two silencers. I'm going to go in there with an AK-47 and shoot up the whole fucking [Company 2] office. Mother fucker. You're all going to be fucking dead. You're gonna wish you didn't fuck me out of money." The caller was listed as "anonymous."

Identification of NGUYEN

14. Both Company 1 and Company 2 utilize the Microsoft Teams platform as their phone service. Investigators requested call detail records from Microsoft for January 12 through January 13, 2024 for both Companies' business phone numbers. Those records showed the IP addresses associated with two of the calls dialed to Company 1 and Company 2,⁶ which, according to data provided by Bandwidth, resolved to telephone number ###-###-9551 (the "SUBJECT PHONE").

17. According to information provided by T-Mobile, Daniel NGUYEN (YOB 1990) is the subscriber for the SUBJECT PHONE. T-Mobile also provided call detail records for the

⁴ The identity of Company 2 is known to investigators but is being withheld to protect the privacy of the company and its employees.

⁵ Company 2's full business phone number is known to investigators but is being redacted to protect the privacy of the company and its employees.

⁶ Law enforcement requested the IP addresses associated with each of the four calls in question from January 12 and January 13, 2024. Microsoft provided only the two listed above.

SUBJECT PHONE. In those call records, investigators located each of the five calls reported by Company 1 and Company 2 on the following dates and times:

- January 12, 2024, at 7:48:00 UTC, dialed *67#####8775;⁷
- January 12, 2024, at 7:53:26 UTC dialed *67#####9300;
- January 13, 2024, at 15:49:45 UTC dialed *67#####9300;
- January 13, 2024, at 19:09:18 UTC dialed *67#####9300;
- February 15, 2024, at 16:37:35 UTC dialed *67#####9300.

18. According to records held by the San Francisco Police Department (“SFPD”), NGUYEN provided the SUBJECT PHONE as his phone number on or about July 28, 2021 and March 1, 2023.

19. According to police reports filed with the SFPD, on April 13, 2013 and June 28, 2018, NGUYEN provided email address `deejaynguyen90@gmail.com` as his email address. Records provided by Google LLC showed that the SUBJECT PHONE was listed as the recovery phone number for that email account.

20. According to records held by the SFPD, NGUYEN has previously made other violent threats via telephone call. On March 8, 2018, the SFPD received a report that NGUYEN called a company⁸ and “stated several times that he wanted to go to the [company] and kill all of the ‘Filipinos and wetbacks’ with an AK47.”

21. On March 11, 2018, NGUYEN was arrested and charged by the SFPD for Terrorist Threats. According to SFPD reports, on or about March 10, 2018, NGUYEN called another

⁷ Dialing “*67” before dialing a phone number will block the Caller ID function for the source of the call.

⁸ The identity of the company is known to investigators but is being withheld to protect its privacy.

business⁹ and stated: “I’m going to go to [the business] with my AK, stand in the middle of the store and tell everyone how I feel about Filipinos then spray the place.”

Execution of Search Warrant

22. On September 4, 2024, law enforcement executed a federal search warrant for the residence of NGUYEN. Agents recovered a cell phone from NGUYEN’S person bearing the same telephone number as the SUBJECT PHONE, ###-###-9551.

Additional Threats Located as a Result of the Search Warrant

23. Upon examination of the SUBJECT PHONE, investigators located five email addresses associated with the SUBJECT PHONE:

- Deejaynguyen90@gmail.com
- dannyjnguyen90@gmail.com
- Deedeejaynguyen34@gmail.com
- Dannyjaynguyen90@gmail.com
- Professorb1976sf@gmail.com

24. I have learned that on June 21, 2024, a Nevada high school employee¹⁰ received two emails from deedeejaynguyen34@gmail.com. One of those emails stated, “I fucking hate all you n***ers I will get my 9millim[e]ter and 45 and shoot all you fucking n***ers dead and burn al[l] you fucking piece of shit n***ers in the dump and ditches where all you n***ers belong.”

25. Investigators also identified a screenshot located on the SUBJECT PHONE depicting an email sent on August 27, 2024 from deejaynguyen90@gmail.com to an employee of

⁹ The identity of this business is known to investigators but is being withheld to protect its privacy.

¹⁰ The names of the high school and the employee are known to investigators but are being withheld to protect their privacy.

a security company in California.¹¹ The email stated, "...I hate n***ers and the only good n***er is a dead n***er that is shot and killed. Police officers need to shoot and kill all n***ers for our safety. The only good n***er is a dead n***er."

CONCLUSION

34. Based on the foregoing, I respectfully submit there is probable cause to believe that from on or about January 2024 through February 2024, NGUYEN knowingly transmitted in interstate or foreign commerce, any communication containing any threat to injure the person of another, in violation of 18 U.S.C § 875(c).

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.


Casey Biagiotti
Special Agent
Federal Bureau of Investigation

SWORN before me telephonically pursuant to Fed. R. Crim. P. 4.1(d)(3) this 30th day of September, 2024.

1:18 p.m.


HON. DAVID H. KENNEDY
UNITED STATES DISTRICT JUDGE



¹¹ The names of the employee and the company are known to investigators but are being withheld to protect their privacy.